

KENTUCKY REAL ESTATE APPRAISERS BOARD

TYPE OF MEETING

Regular Meeting

DATE AND LOCATION

January 14, 2010 – 1:00 p.m. – Holiday Inn University Plaza, Bowling Green, KY

PRESIDING OFFICER

Dorsey Hall, Chair

ROLL CALL

Present:

Dorsey Hall, Chair
Sam E. Blackburn, Board Member
G. Herbert Pritchett, Board Member

Present Also:

Larry Disney, Executive Director
Angie Thomas, Staff Assistant
Ravon Radmard, Executive Secretary
James Grawe, Board Counsel
Dennis Badger, Investigator

Absent:

Loren Huff, Board Member
Harold Brantley, Board Member

Chair, Dorsey Hall opened the meeting and welcomed the guest. The guests in attendance were Ashley Maggard, Alan Maddox and Anetha Dunn Sanford from KAR.

Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously approved the December 17, 2009 minutes.

EDUCATION

Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to approve the following education courses for fiscal year 2009-10:

- (1) Franklin Education Institute – Four classroom continuing education courses:
 - (a) National USPAP Update Course 2010-2011 – 7 hours CE
 - (b) The 3 F's – Facts, Figures and Formulas – 7 hours CE
 - (c) Appraisal Report Writing – 7 hours CE
 - (d) Real Estate Red Flags – 4 hours CE

- (2) American Society of Farm Managers & Rural Appraisers – One classroom continuing education course:
 - (a) Uniform Country Residential Report – 7 hours CE
- (3) Appraisal Institute – One online qualify education/continuing education course:
 - (a) Online General Appraiser Sales Comparison Approach – 30 hours QE/CE

EXPERIENCE

Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to accept staff recommendation and approved the following individuals based upon experience submitted and accepted by Executive Director, Larry Disney prior to the December 31, 2009 deadline.

- (1) David Allen – Approve experience for Certified General
- (2) Jamie Allen – Approve experience for Certified General
- (3) Juanita Edge – Approve experience for Certified Residential
- (4) Stacy Howard – Approve experience for Certified Residential
- (5) David Land – Approve experience for Certified Residential
- (6) James Mason – Approve experience for Certified Residential

Motion by Sam Blackburn, second by Herbert Pritchett and the Board accepted staff recommendation and rejected the experience of the following individuals based upon the examination completed by both individuals exceeded two year requirement.

- (1) Brian Booth
- (2) Eric McGlinchey

Ashley Maggard was present to discuss her experience submission. James Grawe, Board Counsel advised Ashley Maggard that this process was an application determination and not a hearing. A motion was made by Sam Blackburn to recommend that Ms. Maggard pay a fine of \$500 that is due prior to Ms. Maggard receiving her Certified Residential certificate, a second by Herbert Pritchett and the Board unanimously approved the decision.

CERTIFICATION/LICENSURE

Motion by Sam Blackburn, second by Herbert Pritchett and the Board voted to approve a total of thirteen (13) individuals for certification/licensure.

- (1) David Allen – Certified General
- (2) Jamie Allen – Certified General
- (3) Ronald R. Ball - Associate
- (4) Donald E. Basham – Certified Residential – Reciprocal with Ohio
- (5) Juanita Edge – Certified Residential
- (6) Michael A. Filippi – Certified Residential – Reciprocal with Indiana
- (7) Andrea C. George - Associate

- (8) Stacy Howard – Certified Residential
- (9) David Land – Certified Residential
- (10) James Mason – Certified Residential
- (11) Keith P. Murray - Associate
- (12) Andrew J. Robinson – Certified General – Reciprocal with Georgia
- (13) David P. Tarter – Certified Residential – Reciprocal with Indiana

COMPLAINT

- A. Case Summary Flow Chart
- B. Dennis Badger – Report on the contractor activities
- C. The Board was advised there have been a total of 61 cases filed for 2009 and 2 cases filed for 2010.
- D. The Board expressed great concern about the cases that were behind on the Case Summary Flow Chart. It was agreed the process would be expedited.
- E. Findings of Fact, Conclusions of Law, and Final Order – James Grawe recused himself from discussion and left the Board room.

(1) Michael Shepherd – Motion by Herbert Pritchett, second by Sam Blackburn and the Board adopted the final order whereby:

- (a) Shepherd shall pay a fine of \$300 within 30 days of the date of this Final Order.
- (b) Shepherd's certification as Residential Real Property Appraiser shall be suspended for one year effective upon the entry of this order, and during the period of suspension he shall not provide any real property appraiser service in Kentucky.
- (c) After the period of suspension and prior to any request to reinstate or renew his certificate, Shepherd shall complete and shall submit to the Board documentation verifying successful completion of the requirements of this Final Order, including the course work set forth in Finding of Fact 3 above.
- (d) The course work required under the terms of this Final Order will count toward the continuing education requirements of 201 KAR 30:050, Section 3, for the license year in which the work is completed.
- (e) In addition to the 90 hours of course work set forth in Finding of Fact 3 above, Shepherd shall successfully complete the 2010 USPAP update.
- (f) Shepherd shall also successfully complete the qualifying examination for a Residential Real Property Appraiser.
- (g) Shepherd shall not engage in any conduct, or take any action, pursuant to the authority granted under his certificate until he has applied to reactivate his certificate and the Board has granted the request.

(2) Richard Beckley - Motion by Sam Blackburn, second by Herbert Pritchett and the Board adopted the final order whereby:

- (a) By June 30, 2010, Beckley shall pay a fine of \$1,000.

- (b) By June 30, 2010, Beckley shall complete and shall submit to the Board documentation verifying successful completion of a 3 hour ANSI Standards course and a 15 hour Residential Sales Comparison course as required by the terms of the Agreed Order.
- (c) Those courses shall be in addition to the 14 hours of approved continuing education required by 201 KAR 30:050, Section 3.
- (d) Beckley may not employ any additional associate real property appraisers prior to June 30, 2010.
- (e) Beckley shall not seek to renew, and the Board will not renew, his certification for the 2010 renewal cycle beginning July 1, 2010, until he has satisfied the terms of this Final Order.
- (f) If Beckley has not complied with the terms of this Final Order by June 30, 2010, his certificate shall be automatically suspended, and he shall not engage in any conduct, or take any action, pursuant to the authority granted under his certificate until he has applied to reactivate his certificate and the Board has granted the request.

(3) Johnny Johnson - Motion by Herbert Pritchett, second by Sam Blackburn and the Board adopted the final order whereby:

- (a) By June 30, 2010, Johnson shall pay to the Board a fine of \$100.
- (b) By June 30, 2010, Johnson shall complete, and shall submit to the Board documentation verifying successful completion of the 2 hour examination for the Appraisal Institute Online Residential Sales Comparison & Income Approach course in order to fulfill the terms of the Agreed Order.
- (c) That course shall be in addition to the 14 hours of approved continuing education required by 201 KAR 30:050, Section 3.
- (d) Johnson shall not seek to renew, and the Board will not renew, his certification for the 2010 renewal cycle beginning July 1, 2010, until he has satisfied the terms of this Final Order.
- (e) If Johnson has not complied with the terms of this Final Order by June 30, 2010, his certificate shall be automatically suspended, and he shall not engage in any conduct, or take any action, pursuant to the authority granted under his certificate until he has applied to reactivate his certificate and the Board has granted the request.

- F. Case No. 09-15 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to dismiss with a letter of caution.
- G. Case No. 09-45 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to dismiss with a letter of caution.
- H. Case No. 09-13 – Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to file a formal complaint and set for a hearing.
- I. Case No. 09-16 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to file a formal complaint and set for a hearing.
- J. Case No. 09-10 – James Grawe, Board Counsel, advised the Board that the Kentucky Statute will prevail over USPAP. A motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to move forward with the investigation.

- K. Case No. 08-83 - C. Shane Kelly. Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously accepted the agreed order whereby:
- (a) **Kelly** shall complete a 7 hour Sales Comparison Seminar. Said 7 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by June 30, 2010.
 - (b) **Kelly** shall be fined the sum of \$500.00 with total amount due with the signed agreed order.
 - (c) **Kelly** agrees that the Board shall not renew his certification for the 2010 renewal cycle July 1, 2010 until he has completed the requirements of the terms set out in paragraphs (a) and (b) of this order.

MISCELLANEOUS

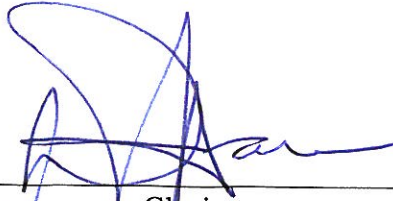
- A. Open Meeting Policy – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously accepted the revised Open Meeting Policy.
- B. Open Records Policy – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously accepted the revised Open Records Policy.
- C. AARO Dues – Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to pay the AARO Dues invoice.
- D. Budget ending December 31, 2009
- E. AARO Spring Conference was discussed
- F. June and July Board Meetings – The Board agreed to change the meetings dates to:
 - June 17, 2010
 - July 15, 2010
- G. Request from Dennis Badger to be reimbursed for the ASB and AARO trips – Motion by Sam Blackburn, second by Herbert Pritchett and the Board agreed to reimburse Mr. Badger for his ASB and AARO through the investigator contract and not to exceed amount set for travel as specified in the contract.
- H. A discussion with Anetha Sanford, KAR on the HB 66 – AMC legislation. Sam Blackburn commented to keep the Bill as filed and work with KAR to resolve in issues they may have with the Bill. The Board told Ms. Sanford they would like to continue with HB66 but meet with KAR if necessary.

NEW BUSINESS

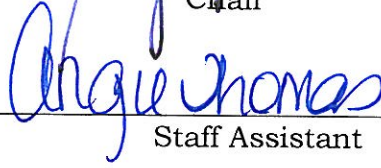
- A. January Hearing – Wednesday, Thursday, Friday – January 27, 28, 29, 2010 – David Harrington
- B. February Hearing – February 16-18, 2010 – Mark Mitchell

The next Board meeting is scheduled for Thursday, February 18, 2010 – 1:00 p.m. at the Holiday Inn Hurstbourne, Louisville, KY.

Motion by Sam Blackburn, second by Herbert Pritchett and the Board voted unanimously to adjourn the meeting.



Chair



Staff Assistant